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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT,
INC., ALTERNATIVE LOAN TRUST 2006-
12CB, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-12CB;

Plaintiff,

v.

HERITAGE SQUARE SOUTH
HOMEOWNERS' ASSOCIATION, INC.;
JAYEM FAMILY LP; ATC ASSESSMENT
COLLECTION GROUP, LLC; ANGIUS &
TERRY COLLECTIONS, LLC; THE BETTY
M. SMITH REVOCABLE TRUST; BETTY
M. SMITH; DOE INDIVIDUALS I-X,
inclusive, AND ROE CORPORATIONS I-X,
inclusive,

Defendants.

JAYEM FAMILY LP,

Counter-claimant,

v.

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWALT, INC., ALTERNATIVE LOAN
TRUST 2006-12CB, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2006-

Case No. 2:17-cv-02381

**STIPULATION AND ORDER TO
AMEND SCHEDULING ORDER [ECF
NO. 24]**

(Second Request)

12CB; DOE INDIVIDUALS I-X, inclusive,
AND ROE CORPORATIONS I-X, inclusive,
Counter-defendants.

JAYEM FAMILY LP,
Cross-claimant,
v.
THE BETTY M. SMITH REVOCABLE
TRUST; BETTY M. SMITH; DOE
INDIVIDUALS I-X, inclusive, AND ROE
CORPORATIONS I-X, inclusive;
Cross-defendants.

Pursuant to Fed. R. Civ. P. 16(b)(4), LR IA 6-1, and LR 26-4, Plaintiff The Bank of New York Mellon fka the Bank of New York, as Trustee for the Certificate Holders of CWALT, Inc., Alternative Loan Trust 2006-12CB, Mortgage Pass-Through Certificates, Series 2006-12CB ("BNY"), Defendant Heritage Square South Homeowners' Association, Inc. ("Heritage"), and Cross-Claimant Jayem Family LP ("Jayem"), (collectively, the "Parties"), by and through their respective counsel of record, hereby stipulate to amend the Scheduling Order entered on December 27, 2017, ECF No. 24. This is the Parties' second such request.

The Parties seek to extend the discovery, dispositive motion, and pretrial order deadlines by thirty (30) days. The Parties request to extend the discovery deadline to **September 26, 2018**, the dispositive motions deadline to **October 18, 2018**, and pretrial order deadline to **November 27, 2018**.

I. Discovery Completed and to Be Completed Prior to Current Discovery Deadline

To date, the Parties have completed the following discovery:

- BNY and Heritage have each served initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1)
- BNY propounded Requests for Production, Requests for Admission, and Interrogatories on Heritage

- 1 • Heritage served its responses to BNY's Requests for Production, Requests for
2 Admission, and Interrogatories
3 • Heritage propounded Requests for Production, Requests for Admission, and
4 Interrogatories on BNY

5 **II. Discovery That Remains to be Completed**

- 6 • Deposition of Heritage
7 • Deposition of BNY
8 • Deposition of Rock Jung, currently scheduled for June 15, 2018
9 • Deposition of Paterno Jurani, currently scheduled for June 15, 2018
10 • Deposition of the PMK of Jayem, currently scheduled for June 26, 2018
11 • Deposition of Matthew Lubawy
12 • Jayem's written discovery on all parties

13 **III. Reasons Why Discovery Was Not Completed**

14 Good cause exists to extend the deadline for discovery. Jayem recently appeared in this case
15 and is currently in settlement negotiations with BNY. The parties are hopeful that this case can settle
16 without the need for further court involvement. Additionally, some depositions have to be
17 rescheduled due to scheduling conflicts between counsel and the witness. Furthermore, on April 18,
18 2018, BNY filed a Motion for Protection from 30(b)(6) Deposition and a Motion for Sanctions. ECF
19 Nos. 38 and 39. The briefing on the Motions was completed on or about May 9, 2018, and the
20 hearing was held on June 12, 2018. The Parties agreed to postpone the deposition of BNY to allow
21 the Court to first address the Motions. The Parties will require additional time to coordinate with
22 the witness' availability for the deposition. Therefore, for the foregoing reasons, the Parties seek a 90-
23 day extension of the discovery deadlines.

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IV. Proposed Schedule to Complete Remaining Discovery

<u>Event</u>	<u>Current Deadline</u>	<u>Proposed New Deadline</u>
Close of Discovery	June 28, 2018	September 26, 2018
Dispositive Motions	July 20, 2018	October 18, 2018
Pre-Trial Order	August 29, 2018	November 27, 2018

DATED this 13th day of June, 2018.

/s/ Zachary P. Takos
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DATED this 13th day of June, 2018.

/s/ Wing Yan Wong
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*Attorneys for Heritage Square South
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DATED this 13th day of June, 2018.

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fka The Bank of New York as Trustee for the
Certificateholders of CWALT, Inc.,
Alternative Loan Trust 2006-12CB, Mortgage
Pass-Through Certificates, Series 2006-12CB*

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: June 14, 2018